

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**HERMAN VICTOR,**

**Plaintiff,**

**v.**

**9:03-CV-1294  
(FJS/DRH)**

**M.D. RAELENE MILICEVIC and RICHARD  
C. LAUX, Physician's Assistant,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**HERMAN VICTOR**

**97-A-3953**

Franklin Correctional Facility

Post Office Box 10

Malone, New York 12953

Plaintiff *pro se*

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**

The Capitol

Albany, New York 12224-0341

Attorneys for Defendants

**MEGAN M. BROWN, AAG**

**SCULLIN, Senior Judge**

**ORDER**

In a Report-Recommendation and Order dated September 11, 2007, Magistrate Judge Homer recommended that this Court grant Defendants' motion for summary judgment. *See* Dkt. No. 93. Plaintiff has filed objections to that recommendation. *See* Dkt. No. 94.

Specifically, Plaintiff argues that the Court should not grant Defendants' motion for summary judgment because, among other things, Defendants have altered his medical records,

committed perjury and fraud, denied his request for an MRI and prescribed an X-ray instead, and initially denied his request for a liver biopsy. *See, generally*, Dkt. No. 94.

The Court has reviewed the file in its entirety and finds that Plaintiff's objections are without merit. There is no evidence in the record that Defendants tampered with Plaintiff's medical records or that they committed perjury or fraud. Moreover, Plaintiff's disagreement with Defendants about his proper course of treatment and/or the timing of that treatment does not rise to the level of a constitutional violation. Therefore, the Court hereby

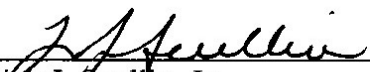
**ORDERS** that Magistrate Judge Homer's September 11, 2007 Report-Recommendation and Order is **ADOPTED IN ITS ENTIRETY for the reasons stated therein**; and the Court further

**ORDERS** that Defendants' motion for summary judgment is **GRANTED**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment for Defendants and close this case.

**IT IS SO ORDERED.**

Dated: March 29, 2008  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge